

LOCAL RULE 2016
Fee Applications Filed Pursuant to Federal Rule of Bankruptcy Procedure 2016

(a) *General Procedure for Applications Under FED. R. BANKR. P. 2016* - Except as noted in subdivisions (b) and (c) of this Rule, the provisions of this subsection shall govern all applications for compensation or reimbursement filed pursuant to FED. R. BANKR. P. 2016.

(1) *Filing the Application and Notice* - All applications for compensation or reimbursement in excess of \$1,000 filed pursuant to FED. R. BANKR. P. 2016 shall be filed with the Clerk. Each application must be accompanied by a "Notice to Creditors and Other Parties in Interest," which is appended to these Rules as Exhibit 7, and a proof of service showing service of the notice on all interested parties, and compliance with subsection (a)(2) below, except as noted in subsection (a)(7) below.

(2) *Service of the Application* - Not later than concurrently with the filing of the application with the Clerk, every applicant shall serve a copy of the application, supporting documents, and proposed order to the United States Trustee, as directed by the Federal Rules of Bankruptcy Procedure, and upon any standing or case trustee, any creditors' or equity security holders' committees of record, and the attorney for any of the preceding parties, except as noted in subsection (a)(7) below.

(3) *Objections* - Interested parties and the United States Trustee shall have 20 days from the date of service of the notice in which to file with the Clerk a written statement of any objection which they might have to the application. A copy of the objection shall be served upon the applicant, the United States Trustee and interested parties.

(4) *Hearings on Applications* - No hearing shall be set on any application falling within the scope of subsection (a)(3) of this Rule unless -

(A) a timely objection is received from an interested party or the United States Trustee; or

(B) the Court orders that a hearing be held.

(5) *Notice of Hearings* - In the event that a hearing is required, the Clerk shall schedule a hearing and serve notice of the hearing upon the United States Trustee and all interested parties.

(6) *Submission of Order* - In the event a hearing is held, a proposed order shall be submitted as directed by the Court. In the event no objection is filed or hearing held, the applicant shall submit to the Court, no less than 25 days after the date of service of the notice, an affidavit that no objection has been filed and a proposed order. A form affidavit is appended to these Rules as Exhibit 8.

(7) *Final Fees in Chapter 7 Case* - No notice to creditors or proposed order for payment of fees and expenses need be filed or served with the application for fees and expenses, if the fees and expenses will be included by a trustee as part of the final account to creditors in a chapter 7 asset case.

(b) *Applications in the Amount of \$1,000 or Less.*

(1) *Filing* - Applications for compensation and reimbursement of \$1,000 or less shall be filed with the Clerk. Each application must be accompanied by a proof of service stating that a copy of the application, supporting documents and a proposed order were served upon the United States Trustee, the trustee, and the debtor. If no stipulation is presented pursuant to subsection (b)(2), then service of the application shall be made by the moving party on those parties who would be required to sign the stipulation, using the procedure set forth in subsection (a).

(2) *Approval Upon Stipulation* - Orders for payment of fees of \$1,000 or less may be approved upon submission to the Court of a stipulated agreement that no signatory to the agreement intends to pursue any objection they might have to the application. This agreement must be signed by the applicant and the parties below:

(A) *Chapter 7* - The trustee and the United States Trustee.

(B) *Chapter 11* - The debtor-in-possession, trustee, the United States Trustee, and any counsel for committees of record.

(C) *Chapter 12* - The debtor and the trustee.

(D) *Chapter 13* - The debtor and the trustee.

(c) Applications in Cases Under Chapters 12 and 13.

(1) *Filing of the Fee Agreement* - A professional person entitled to compensation in a case under either chapter 12 or chapter 13 must file a copy of the executed general fee agreement with the Clerk, and serve a copy on the standing trustee as agent of the United States Trustee, no less than 20 days after the filing of the chapter 12 or 13 petition. No chapter 12 or 13 plan containing a provision for payment of professional fees shall be confirmed unless all relevant fee agreements have been timely filed. Objections, if any, to the general fee agreement shall be heard at the confirmation hearing. The executed general fee agreement shall plainly indicate the basic fee to be paid for general services. The agreement shall also specifically define any matters which will require compensation beyond the basic fee agreed to, and the method by which this additional compensation shall be computed.

(2) *Plan Amendments that Change Compensation* - Amendments to the plan which change any provision of the general fee agreement must be set for hearing upon 25 days notice to the debtor, the standing trustee, and the United States Trustee.

(3) *Applications for Compensation Beyond the Basic Fee* - Applications for fees in excess of the basic fee must conform to the applicable provisions of the general fee agreement. No additional fees beyond the basic fee shall be approved by the Court unless the applicant submits an itemized statement or other documentation which comports with the method for computing additional compensation set forth in the general fee agreement. Applications for compensation beyond the basic fee shall be treated in accordance with subsection (a) of this Rule. All such applications must be accompanied by a plan amendment and notice of amendment explaining how this additional fee will be paid through the plan, and how this additional fee will affect the distribution to creditors, the length of the plan, or otherwise adversely affect parties in interest. The form of this required notice is appended to these Rules as Exhibit 9.